United Nations S/2004/146

Security Council

Distr.: General
27 February 2004

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 1464 (2003) of 4 February 2003, 1479 (2003) of 13 May 2003, 1498 (2003) of 4 August 2003, 1514 (2003) of 13 November 2003, 1527 (2004) of 4 February 2004, and the statements by its President on Côte d'Ivoire,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of States on Côte d'Ivoire, held in Paris on 25 and 26 January 2003,

Taking note with satisfaction of the recent progress, in particular the return of the Forces Nouvelles to the Government, the agreement reached on the implementation of the programme of disarmament, demobilization and reintegration, and the talks between the President of the Republic of Côte d'Ivoire and the Forces nouvelles,

Considering that the Ivorian parties have made the progress called for by the Secretary-General towards the steps mentioned in paragraph 86 of his report on Côte d'Ivoire of 6 January 2004 (S/2004/3), as confirmed to the Council on 4 February 2004, and *encouraging* the Ivorian parties to continue their efforts in that direction,

Calling on the parties and the Government of National Reconciliation to take all necessary steps to prevent further violations of human rights and international humanitarian law and to put an end to impunity,

Reaffirming also its resolutions 1325 (2000) on women, peace and security, 1379 (2001) and 1460 (2003) on children in armed conflicts as well as its resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflicts,

Welcoming and *encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Deeply concerned by the deteriorating economic situation in Côte d'Ivoire and its serious impact on the subregion as a whole,

04-25314 (E) 270204

Welcoming the commitment of the African Union in supporting the process of national reconciliation in Côte d'Ivoire,

Recalling its full support for the efforts of the Economic Community of West African States (ECOWAS) and France to promote a peaceful settlement of the conflict, and *welcoming*, in particular, the effective action taken by the ECOWAS forces in order to stabilize the country,

Taking note of the message addressed to the Security Council on 10 November 2003 by the President of the Republic of Côte d'Ivoire, in which he requested the transformation of the United Nations Mission in Côte d'Ivoire (MINUCI) into a peacekeeping operation,

Taking note of the request made by ECOWAS to the Security Council on 24 November 2003 to establish a peace keeping operation in Côte d'Ivoire,

Noting that lasting stability in Côte d'Ivoire will depend on peace in the subregion, especially in Liberia, and *emphasizing* the importance of cooperation among the countries of the subregion to this end, as well as the need for co-ordination of the efforts of the United Nations Missions in the subregion to contribute to the consolidation of peace and security,

Having considered the report of the Secretary-General on Côte d'Ivoire of 6 January 2004 (S/2004/3 and addenda 1 and 2),

Taking note of the letter of the President of the General Assembly of 8 January 2004 (S/2004/100) addressed to the President of the Security Council,

Aware of the persistent challenges to the stability of Côte d'Ivoire and *determining* that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to establish the United Nations Operation in Côte d'Ivoire (UNOCI) for an initial period of 12 months as from 4 April 2004, and *requests* the Secretary-General to transfer authority from MINUCI and the ECOWAS forces to UNOCI on that date, and *decides* therefore to renew the mandate of the United Nations Mission in Côte d'Ivoire (MINUCI) until 4 April 2004;

2. *Decides* that UNOCI will comprise, in addition to the appropriate civilian, judiciary and corrections component, a military strength of a maximum of 6,240 United Nations personnel, including 200 military observers and 120 staff officers, and up to 350 civilian police officers, as required to perform the mandated tasks described in the following paragraph 6;

3. *Requests* the Secretary-General to encourage the United Nations missions in West Africa to share logistic and administrative support, to the extent possible, without prejudicing their operational capabilities with respect to their mandates, in order to maximize effectiveness and minimize the cost of the missions;

4. *Requests* UNOCI to carry out its mandate in close liaison with the United Nations missions in Sierra Leone and in Liberia, including especially in the prevention of movements of arms and combatants across shared borders and the implementation of disarmament and demobilization programmes;

5. *Reaffirms* its strong support for the Secretary-General's Special Representative and *approves* his full authority for the coordination and conduct of all the activities of the United Nations system in Côte d'Ivoire;

6. *Decides* that the mandate of UNOCI, in coordination with the French forces authorized in paragraph 16 below, shall be the following:

Monitoring of the ceasefire and movements of armed groups

(a) To observe and monitor the implementation of the comprehensive ceasefire agreement of 3 May 2003, and investigate violations of the ceasefire,

(b) To liaise with the National Armed Forces of Côte d'Ivoire (FANCI) and the military elements of the Forces Nouvelles in order to promote, in coordination with the French forces, the re-establishment of trust between all the Ivorian forces involved, as stated in its resolution 1479 (2003),

(c) To assist the Government of National Reconciliation in monitoring the borders, with particular attention to the situation of Liberian refugees and to the movement of combatants,

Disarmament, demobilization, reintegration, repatriation and resettlement

(d) To assist the Government of National Reconciliation in undertaking the regrouping of all the Ivorian forces involved and to ensure the security of their cantonment sites,

(e) To help the Government of National Reconciliation implement the national programme for the disarmament, demobilization and reintegration of the combatants (DDR), with special attention to the specific needs of women and children,

(f) To coordinate closely with the United Nations missions in Sierra Leone and in Liberia in the implementation of a voluntary repatriation and resettlement programme for foreign ex-combatants, with special attention to the specific needs of women and children, in support of the efforts of the Government of National Reconciliation and in cooperation with the Governments concerned, relevant international financial institutions, international development organizations and donor nations,

(g) To ensure that the programmes mentioned in paragraphs (e) and (f) take into account the need for a regional approach,

(h) To guard weapons, ammunition and other military materiel handed over by the former combatants and to secure, neutralize or destroy such materiel,

Protection of United Nations personnel, institutions and civilians

(i) To protect United Nations personnel, installations and equipment, provide the security and freedom of movement of United Nations personnel and, without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment,

(j) To support, in coordination with the Ivorian authorities, the provision of security for the ministers of the Government of National Reconciliation,

Support for humanitarian assistance

(k) To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions,

Support for the implementation of the peace process

(l) To facilitate, in cooperation with ECOWAS and other international partners, the re-establishment by the Government of National Reconciliation of the authority of the State throughout Côte d'Ivoire,

(m) To provide oversight, guidance and technical assistance to the Government of National Reconciliation, with the assistance of ECOWAS and other international partners, to prepare for and assist in the conduct of free, fair and transparent electoral processes linked to the implementation of the Linas-Marcoussis Agreement, in particular the presidential election,

Assistance in the field of human rights

(n) To contribute to the promotion and protection of human rights in Côte d'Ivoire with special attention to violence committed against women and girls, and to help investigate human rights violations with a view to help ending impunity,

Public information

(o) To promote understanding of the peace process and the role of UNOCI among local communities and the parties, through an effective public information capacity, including the establishment as necessary of a United Nations radio broadcasting capability,

Law and order

(p) To assist the Government of National Reconciliation in conjunction with ECOWAS and other international organizations in restoring a civilian policing presence throughout Côte d'Ivoire, and to advise the Government of National Reconciliation on the restructuring of the internal security services,

(q) To assist the Government of National Reconciliation in conjunction with ECOWAS and other international organizations in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire;

7. *Requests* the Secretary-General to give special attention to the gender and child-protection components within the staff of UNOCI;

8. *Authorizes* UNOCI to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment;

9. *Requests* the Secretary-General and the Government of National Reconciliation to conclude a status-of-force agreement within 30 days of adoption of this resolution, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the safety of United Nations and associated personnel, and *notes* that, pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 (A/45/594) shall apply provisionally;

10. *Stresses* the importance of the complete and unconditional implementation of the measures provided for under the Linas-Marcoussis Agreement, and *demands* that the parties fulfil their obligations under the Linas-Marcoussis Agreement so that, in particular, the forthcoming Presidential election can be held in 2005 in accordance with the constitutional deadlines;

11. *Calls upon* all parties to cooperate fully in the deployment and operations of UNOCI, in particular by guaranteeing the safety, security and freedom of movement of United Nations personnel as well as associated personnel throughout the territory of Côte d'Ivoire;

12. *Reaffirms*, in particular, the need for the Government of National Reconciliation to undertake the complete and immediate implementation of the disarmament, demobilization and reintegration (DDR) programme, including the disbanding of all armed groups, in particular the militias, the curbing of all kinds of disruptive street protests, especially of the various youth groups, and the restructuring of the armed forces and the internal security services;

13. *Urges* the international community to continue considering how it might help further economic development in Côte d'Ivoire with a view to achieving long-term stability in Côte d'Ivoire and the whole subregion;

14. *Requests* the Secretary-General to keep the Council regularly informed of the situation in Côte d'Ivoire, the implementation of the Linas-Marcoussis Agreement and the implementation of the mandate of UNOCI, and to report to it in this regard every three months, including a review of the troop level with a view to a phasing down in light of the progress achieved on the ground and the remaining tasks to be fulfilled;

15. *Decides* to renew until 4 April 2004 the authorization given to the French forces and ECOWAS forces through its resolution 1527 (2004);

16. *Authorizes* for a period of 12 months from 4 April 2004 the French forces to use all necessary means in order to support UNOCI in accordance with the agreement to be reached between UNOCI and the French authorities, and in particular to:

- Contribute to the general security of the area of activity of the international forces,
- Intervene at the request of UNOCI in support of its elements whose security may be threatened,
- Intervene against belligerent actions, if the security conditions so require, outside the areas directly controlled by UNOCI,
- Help to protect civilians, in the deployment areas of their units;

17. *Requests* France to continue to report to it periodically on all aspects of its mandate in Côte d'Ivoire;

18. *Decides* to remain actively seized of the matter.